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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,544	04/15/2004	Biagio Ravo	3082-003A	8869
37999	7590	10/29/2004	EXAMINER	
DEWITT ROGGIN PLLC 12 E. LAKE DRIVE ANNAPOLIS, MD 21403			SIRMONS, KEVIN C	
			ART UNIT	PAPER NUMBER
			3763	

DATE MAILED: 10/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/825,544

Applicant(s)

RAVO, BIAGIO

Examiner

Kevin C. Sirmons

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-23, 25, 29, 30, 32 and 33 is/are rejected.
- 7) ☒ Claim(s) 24, 26-28 and 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

Claims 21 and 33 are objected to because of the following informalities: It is unclear what applicant regards as at least one tube. What is the reference numeral for the at least one tube? There does not appear to be a tube positioned between adjacent inflatable sections, and the same tube extending from an opening at one end to a distal end of the body member. How is that possible? The drawing and specification only appear to support a tube through the interior of adjacent inflatable sections, and extending from an opening at one end to a distal end of the body member. Appropriate correction is required.

As to claim 25, it would appear that applicant has the distal and proximal end interchanged. Further, it would appear that the means for inflating extends from the proximal end of the body member. Therefore, the claim will be examined as such.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 21-23, 25, 29, 30, 32 and 33 rejected under 35 U.S.C. 102(b) as being anticipated by Sahota U.S. Pat. No. 5,951,514.

Sahota discloses an intraluminal device comprising: an elongated member (52), the elongated body member having at least three independent inflatable sections (figs. 8-16) along

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the length of the body member, wherein the independent sections are axially spaced along the body member with one of said at least three inflatable section extends to a distal end of the body member and a second of said at least three inflatable sections extends to a proximal end of said body member (fig. 10) and each inflatable section is axially fixed relative to the remainder of the axially spaced inflatable sections (figs. 8-16), and wherein each inflatable section is designed to give shape to a collapsed viscus by acquiring its distended form when the inflated section is in the inflated condition (figs. 8-16); at least one tube (60 and/or 20) positioned between the adjacent inflatable section, wherein each adjacent inflatable section extends around the entire circumference of the body (figs. 8-16), and wherein the tube has an opening at one end thereof positioned at a peripheral portion of the device between the adjacent inflatable sections (36, 56 and/or 20) and wherein the tube extends from the opening at the one end to a distal end of the body member, wherein the tube (of Sahota is fully capable of being attached to a suction or fluid source); and means for independently inflating each individual inflatable section to give shape to a collapsed viscus by acquiring its distended form when the inflatable section is in the inflated condition (col. 7); as to claim 22, (as to claim 22, (figs. 8-16); as to claim 23, (col. 7); as to claim 25, (figs. 8-16); as to claims 29-30, (figs. 8-16); as to claim 32, (see above rejections); as to claim 33, (see above rejections).

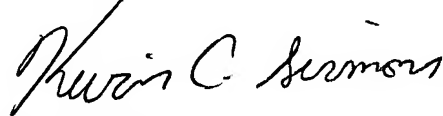
***Allowable Subject Matter***

Claims 24, 26-28 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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*Conclusion*

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kevin C. Sirmons whose telephone number is (703) 306-5410. The examiner can normally be reached on Monday - Thursday from 6:30 am to 4:00 pm. The examiner can also be reached on alternate Fridays.

A handwritten signature in black ink, reading "Kevin C. Sirmons". The signature is written in a cursive, flowing style.

Kevin C. Sirmons  
Patent Examiner  
10/27/04